

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NORTH DAKOTA**

**PHOENIX CAPITAL GROUP
HOLDINGS, LLC,**

Plaintiff,

v.

INCLINE ENERGY PARTNERS, L.P.

Defendant.

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Case No. 1:23-cv-00209

DEFENDANT’S RULE 12(B)(6) MOTION TO DISMISS

Defendant, Incline Energy Partners, L.P. (“Incline”), by and through its undersigned counsel, hereby moves this Court for an order under Rule 12(b)(6) of the Federal Rules of Civil Procedure to dismiss Plaintiff’s, Phoenix Capital Group Holdings, LLC, Complaint. In support of this motion, Incline incorporates the accompanying Brief in Support of Defendant’s Rule 12(b)(6) Motion to Dismiss.

Dated this 28th day of November, 2023.

Respectfully submitted,

By: /s/ Charlene C. Koonce

Charlene C. Koonce

Texas Bar No. 11672850

charlene@brownfoxlaw.com

BROWN FOX PLLC

8111 Preston Road, Suite 300

Dallas, TX 75225

Tel. 214.327.5000

Fax. 214.327.5001

Joshua A. Swanson

North Dakota Bar No. 06788

VOGEL LAW FIRM
Joshua A. Swanson
218 NP Avenue
PO Box 1389
Fargo, ND 58107-1389
701.237.6983
jswanson@vogellaw.com

*Attorneys for Defendant Incline Energy
Partners, L.P.*